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10/802,129	03/16/2004	Stanley R. Luhr	QBUILT.001A	3542

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EXAMINER	
PARKER, BRANDI P	

ART UNIT	PAPER NUMBER
4137	

NOTIFICATION DATE	DELIVERY MODE
02/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/802,129	LUHR, STANLEY R.	
	Examiner	Art Unit	
	BRANDI PARKER	4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/17/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1. This Office Action is in response to the application filed on February 16, 2004.

2. Claims 1-17 are currently pending.

3. This Office Action is given Paper No. 20080103 for reference purposes only.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

5. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1, 5, 9, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US 2003/0229509) in view of Aycock et al (US 5765138). With respect to claim 1, 9 and 12, Hall teaches:

a. a database that comprises a master set of questions and inspection checkpoints for use in assessing risk (paragraph 11,14, and 38);

b. obtaining input about a projects (see paragraph 13);

c. using the input about projects to select from the database a subset of questions to present, and a subset of inspection checkpoints to use to inspect one or more projects (see paragraph 17); and

d. using at least the responses to the subsets of questions and the results of the subset of inspection checkpoints to generate a risk assessment score (paragraph 20)

Additionally, Examiner notes that Hall does not explicitly teach obtaining input about a builder or projects associated with a builder and using the input about a builder to select questions to present. However, Aycock teaches obtaining input about a supplier and projects associated with a supplier and using the input about suppliers to select questions to present (see column 5, lines 37-49 and lines 61-65). Although Aycock teaches in context of a relationship with a supplier and not a builder, it would have been obvious to one of ordinary skill to modify Hall with Aycock because Applicant disclosed in paragraph 26 of the Brief Description of Drawings that embodiments of the

systems and methods described may also be use to assess risk with respect to material suppliers.

8. Moreover, Hall does not explicitly teach receiving responses to the subsets of questions from the builder, and storing said responses within computer storage. Aycock discloses receiving responses to the subsets of questions (see column 2, lines 47-50 and column 5, lines 14-19) and storing said responses within computer storage (see column 6, lines 9-13). Examiner notes that the terms "maturity requirements", "maturity questions", and "request for proposal" or "request for quotation" requirement are used interchangeably throughout Aycock and is similar to how Applicant uses the term "questions".

9. Examiner further notes that it would have been obvious to a person having ordinary skill in the art to modify the database in Hall with Aycock to apply to a builder and projects associated with a builder in a construction environment because similar to the Applicant's disclosed method, the process in Hall can be used by a purchasing agent to assess whether there is a greater likelihood that the requested product or service will be reliable.

10. Examiner notes that with respect to claim 5, the reporting of the risk score is inherently present when a risk value is calculated based on the risk assessment in Hall.

11. Regarding claim 9, it is inherent that the invention disclosed in Hall and Aycock is performed over a "user interface" to a computer system based on the provided definition of the term. According to Webster's New World Computer Dictionary a "user interface"

is defined as all the features of a program or computer that govern the way people interact with the computer.

12. **Claims 2 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall as applied to claim 1 above, in further view of Tschiegg et al (US 2003/0160818). With respect to claim 2, Hall teaches the computer implemented method of claim 1. However, Hall does not explicitly teach inputting the geographical location of the project. Tschiegg teaches input about a project comprising information about the geographical location of the projects (See paragraph 70), which is present in claim 4. Examiner notes that it would have been obvious to one having ordinary skill in the art to modify Hall with the database in Tschiegg because the database in Tschiegg may used to manage risk in building construction (see Tscheigg abstract) and because different locations can create disparate comparison opportunities.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall as applied to claim 1 above, and further in view of Ito (US 5761674). With respect to claim 3, Hall teaches the computer implemented method of claim 1. However, Hall does not explicitly teach inputting information about the construction methods and materials planned for the project. Ito teaches wherein the input about the projects comprises information about construction methods and materials planned for the projects (see column 11, lines 10-16). Examiner notes that it would have been obvious to one having ordinary skill in the art to modify Hall with the disclosure in Ito because Ito involves an integrated project information management system in a construction setting.

13. **Claims 6 and 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall and Aycock as applied to claims 1 and 5 above in further view of Karwatowski et al (US 2004/00098300). With respect to claim 6 and 11, Hall teaches the computer implemented method of claim 1 and 9. However, Hall does not explicitly teaches where the component factors of claim 1 comprises at least one of the set consisting of design issues, communications systems, builder knowledge, construction practices, customer service, data tracking, prior and active claims, legal contracts and insurance, and safety programs. Karwatowski teaches three of the component factors required by Applicant for claim 6, where the component factors of claim 1 include design issues, communication systems and customer profiles (see paragraph 23). Examiner notes that it would have been obvious to one having ordinary skill in the art to modify Hall with the disclosure in Karwatowski because Karwatowski involves the storing of project management information on a database for optimizing quality assurance, which is similar to the goal of Applicant's invention.

14. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall and Karwatowski as applied to claim 6 above in further view of Aycock. Hall in view of Karwatowski teaches the computer-implemented method of claim 6. Hall in view of Karwatowski does not explicitly teach wherein reporting the builder's risk assessment score further comprises reporting scores for the component factors that influence the builder risk assessment. Furthermore, Hall in view of Karwatowski does not teach calculating the risk assessment score as a weighted combination of the scores for the component factors. Aycock teaches reporting the builder's risk assessment score and

reporting scores for the component factors that influence the builder risk assessment and calculating the risk assessment score as a weighted combination of the scores for the component factors (see column 3, lines 5-35). Examiner notes that it would have been obvious to one having ordinary skill in the art to further modify Hall in view of Karwatowski to include the method to calculate the risk assessment score in Aycock because similar to Applicant's invention, Aycock provides an interactive evaluation of potential provider of goods or services.

15. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall and Aycock as applied to claim 9 above, and further in view of Chappel (US 7236940). Hall in view of Aycock discloses the system of claim 9. However, Hall in view of Aycock does not explicitly teach wherein the database further comprises at least one of the set consisting of: information about proper construction practices associated with the checkpoints, historical information about costs associated with repairing construction faults associated with the checkpoints, information about a statistical frequency of liability claims regarding the checkpoints; and a measure of relevance of proper construction technique for the checkpoints to a risk assessment for projects of various types and various geographical locations. Chappel is provided by Applicant in the Information Disclosure Sheet and teaches historical information about business activities (see column 3, lines 39-44, column 4, lines 18-25).

16. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall and Aycock as applied to claim 1 and 12 above, and further in view of Karpf (US 6334192). Hall in view of Aycock teaches the system of claim 12 wherein the first component is

further configured to select the subset of questions and inspection checkpoints. However, Hall in view of Aycock does not explicitly teach the system of claim 12, wherein the first component is further configured to select the subset of questions and inspection checkpoints based at least in part on a set of customization rules. Karpf teaches a risk assessment program that has the means to present the risk assessment in a multiplicity of formats, and with customization (column 2, lines 10-16). Examiner notes that it would have been obvious to one having ordinary skill in the art to further modify Hall and Aycock to include the customization options in Karpf because the customization furthers Applicant's goal for an interactive assessment system.

17. **Claims 14, 15, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock in view of Karwatowski. With respect to claim 14, Aycock teaches method for performing a builder assessment, comprising: receiving information about a builder and about projects associated with the builder (see column 3 lines 64-67 to column 4 lines 1-6), obtaining additional information about the builder and about at least one of the builder's projects, wherein the additional information comprises results from a physical inspection of the builder's project (see column 3, lines 36-43, column 8, lines 21-31), determining and determining a builder assessment score, based at least in part on the obtained information and results from a physical inspection of the builder's project (see column 8, lines 31-52).

18. Aycock does not explicitly teach obtaining additional information about the builder and about at least one of the builder's projects, wherein the additional information comprises and information about design aspects of the project and the builder's

communications and customer service systems. Karwatowski teaches where the component factors of claim 14 include design issues, communication systems and customer profiles (see paragraph 23). See analysis regarding Aycock use with respect to a builder in claim 1 rejection. Examiner notes that it would have been obvious to one having ordinary skill in the art to further modify Hall and Aycock in to include the above components in Karatowski because the components involve business and process management in construction settings. Examiner further notes that Aycock uses “on-site audit" responses in the analysis in the same manner as how Applicant uses "inspection checkpoints" in the analysis for the calculation of a final score, although not in the same order of input.

19. Regarding claim 15, Aycock teaches the method of claim 14, further comprising determining for the builder at least one of the set consisting of: a risk assessment grade, a risk assessment category, and a risk assessment tier-level (see column 7, line 66 – column 8, line 18).

20. With respect to claim 16, Aycock teaches the method of claim 14, wherein determining a builder assessment score comprising assigning a numeric score to a plurality of factors associated with builder quality (see column 3, lines 43-54).

21. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock and Karwatowski as applied to claim 14 above, and further in view of Dillard (US6236973).

22. With respect to claim 17, Aycock and Karwatowski teaches the method of claim 14 as applied above. Conversely, Aycock and Karwatowski does not explicitly teach the method of claim 14, further comprising obtaining information from more than one project of the builder to determine a sample of the builder's operations. Dillard teaches obtaining information from more than one project of the builder to determine a sample of the builder's operations (see figure 1, builder 18a). Examiner notes that it would have been obvious for a person having ordinary skill in the art to modify Aycock and Karwatowski to include having the ability as provided in claim 17 because the assessment may address issues related to those of the builder's operations and projects for which the builder is requesting a quote for insurance.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bechhofer et al, US 7305351; Buddle et al, US 6912502; Crookshanks, US 7089203; Wong, US 2001/0049615 and Mukund, US 2003/0069983.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thur. 8-4pm.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI PARKER/
Examiner, Art Unit 4137

/James A. Kramer/
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